

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 3230

IN THE MATTER OF:

Served September 20, 1988

Application of COURTESY )  
TRANSPORTATION SERVICES, INC., for )  
Temporary Authority )

Case No. AP-88-30

By application filed August 3, 1988, Courtesy Transportation Services, Inc. (CTS or applicant), seeks temporary authority to transport passengers in charter operations between points in the Metropolitan District pursuant to contract 1/ with the Department of Human Services, Government of the District of Columbia (DHS). 2/

The standards for temporary authority are set forth in the Compact, Title II, Article XII, Section 4(d)(3). The essential elements are (1) an immediate and urgent need for service, (2) no carrier capable of meeting that need, and (3) fitness of the applicant.

Order No. 3215, served August 9, 1988, generally describes the evidence submitted with the application, and that order is incorporated herein by reference. A limited period was set during which protests might be filed. On August 16, 1988, Jones Transportation Services, Inc., filed a letter stating that it is an appropriately certificated and fit carrier with available equipment and personnel capable of meeting DHS's transportation needs. The protest does not dispute CTS's fitness nor DHS's immediate and urgent need. There is no evidence that the protest was properly served on applicant's representative. No other protests were filed.

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1/ The contract is for a term of four months. Were the contract for a longer term it would be amenable to processing under the expedited procedures established for certain types of government contracts by Commission Regulation No. 70.

2/ To the extent this application could be interpreted to include transportation between points solely within Virginia, it was dismissed pursuant to the Compact, Title II, Article XII, Section 1(b) by Order No. 3215.

Jones Transportation Services, Inc., holds WMATC Certificate No. 116 which authorizes the following transportation:

IRREGULAR ROUTES:

SPECIAL OPERATIONS, transporting clients of the Bureau of Community Services, Mental Retardation and Development Disabilities Administration of the District of Columbia Department of Human Services between points in the District of Columbia, on the one hand, and, on the other, points in the District of Columbia, Silver Spring, MD, and Prince George's County, MD;

RESTRICTED to transportation in vehicles with a manufacturer's designed seating capacity of 15 passengers or less (including the driver).

WMATC Certificate No. 116 does not authorize the transportation required of CTS by DHS. A review of the evidence in this case indicates that DHS requires charter transportation (not special operations) of its own staff (not the clients JTS is authorized to transport) between points in the Metropolitan District (not the more circumscribed geographic area contained in WMATC Certificate No. 116).

Inasmuch as JTS lacks appropriate authority to perform the required transportation, it cannot be considered a carrier capable of providing the service at issue in this application. In light of this fact in combination with the absence of any additional protests, we find there is no other carrier capable of meeting that need. It is further found, based on the evidence of record as described in Order No. 3215, that there is an immediate and urgent need to provide the service described above and that applicant is fit, willing, and able properly to provide that service and to conform to the requirements of the Compact and the rules, regulations, and orders of the Commission thereunder.

THEREFORE, IT IS ORDERED:

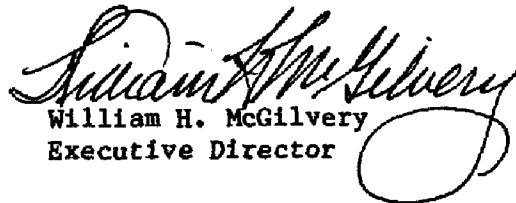
1. That Courtesy Transportation Service, Inc., is hereby conditionally granted temporary authority through November 30, 1988, contingent upon compliance with the requirements of this order, to transport passengers for hire in charter operations between points in the Metropolitan District, pursuant to Contract No. JA 80211 with the District of Columbia.

2. That Courtesy Transportation Services, Inc., is hereby directed to file with the Commission, no later than 15 days from the service date of this order, the following: (a) two copies of its WMATC Temporary Authority Tariff No. 1 pursuant to Commission Regulation No. 55, (b) an affidavit certifying compliance with Commission Regulation No. 67(03) governing identification of vehicles, and (c) an insurance certificate in compliance with Commission Regulation No. 62.

3. That, unless Courtesy Transportation Services, Inc., complies with the requirements of the preceding paragraph within 15 days of the service date of this order, or such other time as the Commission may grant or allow, the conditional grant of temporary authority contained herein shall be void, and this application shall stand denied effective upon the expiration of said compliance time.

4. That, upon timely compliance with the requirements of this order, the Executive Director shall notify Courtesy Transportation Services, Inc., in writing, that it may commence operations pursuant to temporary authority, whereupon the grant of such temporary authority shall become effective.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS WORTHY, SCHIFTER, AND SHANNON:

  
William H. McGilvery  
Executive Director